Meeting of States Parties

Distr.: General
9 July 2018

Original: English

Twenty-eighth meeting
New York, 11–14 June 2018

Report of the twenty-eighth meeting of the Meeting of States Parties

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18-11350 (E) 160718

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I. Introduction

1. The twenty-eighth meeting of the Meeting of States Parties to the United Nations Convention on the Law of the Sea was held at United Nations Headquarters from 11 to 12 June 2018,[1] in accordance with article 319, paragraph 2 (e), of the United Nations Convention on the Law of the Sea[2] and paragraph 56 of General Assembly resolution 72/73.

2. The meeting was attended by representatives of States parties to the Convention and observers, including the International Seabed Authority, the Commission on the Limits of the Continental Shelf and the International Tribunal for the Law of the Sea.[3,4]

II. Organization of work

A. Opening of the meeting and election of officers

3. The President of the twenty-seventh meeting of the Meeting of States Parties, Helga Hauksdóttir (Iceland), opened the twenty-eighth meeting.

4. The Meeting observed a minute of silent prayer or meditation.

5. The Meeting elected Sven Jürgenson (Estonia) as President of the twenty-eighth meeting, by acclamation.

6. The Meeting elected Durga Prasad Bhattara (Nepal), Florian Botto (Monaco), Maria Alejandra Sande (Uruguay) and James Waweru (Kenya) as Vice-Presidents, by acclamation.

Statement by the Under-Secretary-General for Legal Affairs and United Nations Legal Counsel

7. In his statement,[4] the Under-Secretary-General for Legal Affairs and United Nations Legal Counsel underscored the critical role of the Convention in strengthening international peace and security and ensuring sustainable development of the oceans and seas, including with respect to target 14c of Sustainable Development Goal 14 of the 2030 Agenda for Sustainable Development. He welcomed the accession by Benin and Saint Kitts and Nevis to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling and Highly Migratory Fish Stocks,[5] as well as the ratification of the Agreement by Vanuatu. He also highlighted the significance of the convening by the General Assembly of an intergovernmental conference, under the auspices of the United Nations, to consider the recommendations of the Preparatory Committee established by the Assembly in resolution 69/292 on the elements and to elaborate the

[1] The meeting was scheduled to be held from 11 to 14 June 2018, but the States Parties completed their work on 12 June.

[2] United Nations, *Treaty Series*, vol. 1833, No. 31363.

[3] See rules 5, 18, 37 and 38 of the Rules of Procedure for Meetings of States Parties (SPLOS/2/Rev.4).

[4] Statements submitted by delegations and speakers for circulation and relevant documents and information provided by the secretariat are available from https://papersmart.unmeetings.org/convention-treaty/los/sp-unclos/28th-meeting/programme. The list of participants at the meeting Parties is available from www.un.org/Depts/los/meeting_states_parties/twentyeighthmeetingstatesparties.htm.

[5] United Nations, *Treaty Series*, vol. 2167, No. 37924.

text of an international legally binding instrument under the United Nations Convention on the Law of Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (see General Assembly resolution 72/249). Furthermore, he emphasized the significant workload of the Commission on the Limits of the Continental Shelf and the need for full membership in the Commission and full attendance by members at its sessions for its effective functioning. Regarding the conditions of service of the members of the Commission, he noted their need for medical and dental insurance coverage while fulfilling their duties at Headquarters and encouraged States parties to find practical solutions.

B. Adoption of the agenda and organization of work

8. The Meeting adopted the agenda (SPLOS/321) and, following consultations by the Bureau, approved the organization of work on the understanding that it could be adjusted as necessary to ensure the efficient conduct of the meeting. In doing so, the Meeting deferred the consideration of the note by the secretariat on the participation of intergovernmental organizations in the meetings of the Meeting of States Parties as observers (SPLOS/320) to the twenty-ninth meeting.

III. Credentials Committee

A. Appointment of the Credentials Committee

9. On 11 and 12 June 2018, pursuant to rule 14 of the Rules of Procedure for Meetings of States Parties (SPLOS/2/Rev.4), the Meeting appointed a Credentials Committee consisting of the following States parties: China, Finland, Ghana, Lesotho, Myanmar, Norway and Ukraine.[6]

10. The Credentials Committee held its meeting on 12 June 2018. It elected Øyvind Hernes (Norway) as Chair and Daryna Horbachova (Ukraine) as Vice-Chair, by acclamation.

B. Report of the Credentials Committee

11. On 12 June 2018, the Chair of the Credentials Committee introduced an advance unedited version of the report of the Committee (subsequently issued as SPLOS/323 and SPLOS/323/Corr.1). He stated that the Committee had examined and accepted the credentials of representatives of 112 States parties to the twenty-eighth meeting, of which 70 had been found to be in due form. Provisional information concerning the appointment of representatives of States parties participating in the twenty-eighth meeting, including representatives of the European Union, had been received from 42 States parties on the understanding that formal credentials would be communicated to the secretariat as soon as possible.

12. The Meeting approved the report of the Credentials Committee on the understanding that the credentials would continue to be valid, in accordance with rule 1 of the Rules of Procedure, until the convening of the twenty-ninth meeting (see SPLOS/263, para. 101). The Meeting also accepted, on the same understanding,

[6] Rule 14 provides that the Credentials Committee "shall consist of nine States Parties"; however, nominations for the appointment of the members of the Committee were received from only four regional groups.

credentials[7] and information concerning the appointment of representatives[8] received after the report had been approved, bringing the total number of States parties participating in the Meeting, including the European Union, to 119.

IV. Matters related to the International Tribunal for the Law of the Sea

A. Report of the Tribunal for 2017

13. The President of the Tribunal, Judge Jin-Hyun Paik, introduced the annual report for 2017 (SPLOS/317)[4] and provided an overview of the activities of the Tribunal and the work carried out during its forty-third and forty-fourth sessions, which had been devoted to legal, judicial, organizational and administrative matters. He also provided information on developments of the work of the Tribunal that had taken place in 2018 before the present meeting.

14. The President reported that the seven judges elected at the twenty-seventh meeting of the Meeting of States Parties had begun their terms of office on 1 October 2017. Subsequently, on 2 October 2017, the judges had elected Judge Jin-Hyun Paik as President of the Tribunal and Judge David Joseph Attard as Vice-President, for a term of three years. On 4 October 2017, Judge Albert Hoffman was elected President of the Seabed Disputes Chamber.

15. The President described in detail the work of the Tribunal on judicial matters during 2017, drawing attention to the wide range of substantive and procedural issues.

16. With regard to the judgment in the *Dispute Concerning Delimitation of the Maritime Boundary between Ghana and Côte d'Ivoire in the Atlantic Ocean (Ghana/Côte d'Ivoire)*, the President noted that the Special Chamber had delimited the territorial sea, the exclusive economic zone and the continental shelf, including the continental shelf beyond 200 nautical miles, between the two parties. It had also addressed issues concerning the obligations set out in article 83, paragraph 3, of the Convention. He expressed the view that the judgment represented a significant contribution to jurisprudence on maritime delimitation, building on the decision of the Tribunal in the *Dispute concerning delimitation of the maritime boundary between Bangladesh and Myanmar in the Bay of Bengal (Bangladesh/Myanmar)*, and highlighted the flexibility of the procedures of the Tribunal in resolving disputes concerning the law of the sea.

17. The President also informed the Meeting that, further to the judgment of the Tribunal on the objections to jurisdiction and admissibility raised by Italy, the merits phase of the *M/V "Norstar" Case (Panama v. Italy)* had resumed and the parties had submitted written proceedings on the merits in 2017 and 2018. He added that public hearings were expected to be held in September 2018.

18. The President drew attention to capacity-building initiatives undertaken by the Tribunal, including its eleventh programme on dispute settlement under the Convention, organized with support from the Nippon Foundation, the internship programme and the annual summer academy organized by the International Foundation for the Law of the Sea, as well as a regional workshop on the settlement of disputes held in Cabo Verde in May 2018 with the financial support of the Korea

[7] From Algeria, Argentina, Barbados, Brazil, Chile, Croatia, Cuba, Dominica, India, Indonesia, Kenya, Kuwait, Latvia, Madagascar, Malaysia, Morocco, Nepal, Panama, the Republic of Moldova, Senegal, Slovenia, Spain, Sweden, Togo, Trinidad and Tobago and the United Kingdom of Great Britain and Northern Ireland.

[8] From the Democratic Republic of the Congo, Namibia and Zambia.

Maritime Institute and the China Institute of International Studies. The President also noted the special trust funds established with the support of the China Institute of International Studies, the Government of China and the Korea Maritime Institute, to provide financial assistance for participants from developing countries in the internship programme and the summer academy. Of additional note was the public outreach activities of the Tribunal, including a round-table discussion for members of the legal community on the arrest and detention of vessels, held in March 2018.

19. The President referred to the upcoming intergovernmental conference on an international legally binding instrument under the Convention on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction and indicated that, with more than 20 years of experience in the settlement of disputes under the Convention, the Tribunal would be well suited to the settlement of disputes concerning the interpretation or application of a future instrument on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction.

20. In the ensuing discussions, several delegations highlighted the significant contribution of the Tribunal in advancing peace and security, the rule of law and the development of international jurisprudence concerning the law of sea, as well as the efficiency of its proceedings. The role of the Tribunal in maritime delimitation cases and in the adjudication of cases concerning the arrest and detention of vessels was highlighted. Several delegations also expressed the wish that the Tribunal would be more actively utilized by States parties. A delegation noted the integrity and authority of the Convention and the need to fully respect the exercise of State autonomy by States parties regarding the resolution of disputes.

21. Delegations welcomed the Judgement in the *Dispute concerning Delimitation of the Maritime Boundary between Ghana and Côte d'Ivoire in the Atlantic Ocean*. Several delegates expressed appreciation for the ongoing work of the Tribunal in the *M/V "Norstar" Case (Panama v. Italy)*.

22. Several delegations noted the capacity-building programmes of the Tribunal, including the internship programme, regional workshops and summer training courses, and expressed the need for support from States parties for such activities. Delegations also expressed gratitude to the Tribunal for fostering dialogue with the academic world and those working in the field of maritime affairs.

23. The Meeting took note of the report of the Tribunal for 2017.

B. Financial and budgetary matters

1. Report on budgetary matters for the financial periods 2015–2016 and 2017–2018

24. The Registrar of the Tribunal introduced the report on budgetary matters for the financial periods 2015–2016 and 2017–2018 (SPLOS/318), covering the matters outlined below.

(a) Cash surplus for the financial period 2015–2016

25. The Registrar outlined the information contained in section I of the report, recalling, in particular, that, as at 31 December 2017, the cash surplus for the financial period 2015–2016 was negative (- €183,676) and thus no funds could be surrendered to States parties at this stage. He noted that the negative cash surplus was not the result of budget overspending, but the implementation of the Financial Regulations and Rules of the Tribunal, which required unpaid contributions for the period 2015–2016 and previous financial periods to be deducted from the provisional cash surplus.

He underscored the importance of timely payments of contributions by States parties, failing which the Tribunal could be faced with a problem of liquidity and would have to make use of the Working Capital Fund.

26. While noting with satisfaction that the overall expenditures for the financial period 2015–2016 represented approximately 99 per cent of the total appropriations, several delegations expressed their concern that the cash surplus for the financial period 2015–2016 was negative owing to the elevated level of unpaid contributions. They called upon all States parties to honour their commitments and pay contributions in full and on time and urged the Tribunal to continue its efforts to collect outstanding contributions.

27. In response, the Registrar noted that, while some payments of outstanding contributions had been received in 2017, the outstanding contributions for 2015–2016 and previous financial periods remained high, amounting to approximately €658,964 at the end of 2017.

(b) Provisional performance report for 2017

28. The Registrar outlined the information contained in section II of and annex II to the report, recalling, in particular, that the total expenditure for 2017 provisionally stood at €8,967,272, representing 86.08 per cent of the appropriations allocated for that year and 94 per cent of the appropriations, when considering only recurrent expenditures. He further pointed out that a slight overrun in the budget line for communications in 2017 would be considered in the use of that budget line in 2018 to avoid any overexpenditure for the biennium.

29. Several delegations noted with satisfaction the high performance rate and the fact that the Tribunal could make savings within its approved budget. They commended the Registrar for sound budget management and encouraged him to continue efforts for the effective and efficient use of financial resources based on sound budget principles and a zero-growth approach, while keeping in mind the need for the Tribunal to efficiently perform its functions.

30. Responding to a question relating to the budgetary allocations under case-related costs that were not spent in 2017, the Registrar noted that the provisional savings were largely due to the absence of urgent proceedings. He further noted that the provisional savings could be absorbed by the end of the biennium, depending on the caseload of the Tribunal, and that any cash surplus would be surrendered to States parties in accordance with the Financial Regulations and Rules of the Tribunal.

(c) Report on action taken pursuant to the Financial Regulations and Rules of the Tribunal

31. The Registrar referred to section III of the report on budgetary matters for the financial periods 2015–2016 and 2017–2018 (SPLOS/318)regarding the investment of funds of the Tribunal, the trust fund for the law of the sea, the Nippon Foundation trust fund, the China Institute of International Studies trust fund and the twentieth anniversary trust fund.

32. A delegation recalled its financial contributions to the trust fund for the law of the sea and the twentieth anniversary trust fund and called upon other Member States and the private sector to make contributions to support the activities of the Tribunal.

33. The Registrar underlined the importance of the trust funds for financing all capacity-building activities and internship programmes of the Tribunal

34. The Meeting took note, with satisfaction, of the report on budgetary matters for the financial periods 2015–2016 and 2017–2018 (SPLOS/318).

2. Draft budget proposals of the Tribunal for the financial period 2019–2020

35. The Registrar introduced the draft budget proposals of the Tribunal for the financial period 2019–2020 (SPLOS/2018/WP.1). At the outset, he noted that the budget proposals regarding recurrent expenditures followed an overall zero-growth approach compared with the equivalent value in euros of the budget for 2017–2018. A new provision was proposed as non-recurrent expenditure to prepare for the implementation of the International Public Sector Accounting Standards (IPSAS). The Registrar also underlined that the proposed budget for case-related costs was €696,800 lower than the appropriation approved for 2017–2018, owing to the expected volume of judicial work during the next budget period. With regard to the judges' pension scheme, the Registrar reported a further decrease of €28,500 in the draft budget line "Pension in payment". Overall, he noted that the proposed budget in the amount of €20,521,200 represented a decrease of €598,700 compared with the budget approved for the 2017–2018 period (see SPLOS/301, para. 1).

36. In the ensuing discussions, several delegations expressed their appreciation for the efforts of the Tribunal to streamline the budget through cost optimization and reduction and noted with satisfaction that the decrease in the proposed budget for 2019–2020 would lead to a decrease in the assessed contributions of States parties for the next two years. In that connection, those delegations stressed that the point of departure in budget discussions should be zero nominal growth, while recognizing that some expenses, such as case-related costs, were beyond the control of the Tribunal. The Registrar was encouraged to continue making savings whenever possible and to ensure the optimal use of resources.

37. Several delegations expressed concern over the increase in the pension scheme for retired judges of the Tribunal. It was suggested that the matter be discussed at a future meeting, including an estimation of costs. The Registrar, referring to the decision on pension scheme regulations for members of the Tribunal adopted by the Meeting of States Parties at its ninth meeting (SPLOS/47), noted that a pension scheme for members of the Tribunal was in place and financed through the general budget of the Tribunal and that, once a plateau had been reached, the fluctuation of the budgetary allocations to pensions would be reduced. He acknowledged the request to provide more information on the issue at the twenty-ninth meeting of the Meeting of States Parties.

38. A delegation encouraged the Registrar to further streamline and avoid duplications in drafting future budget proposal documents. While welcoming the confirmation that the Tribunal was not seeking additional funding for its Working Capital Fund for 2019–2020, the delegation requested the Registrar to review the reference, in the budget document, to the practice at the United Nations of crediting its working capital fund up to an amount corresponding to 8 per cent of its annual budget. The Registrar assured that he would review the matter in the light of the current practice of the United Nations. He further added that in addition to the regular Working Capital Fund, which stood at €542,118, the Tribunal maintained a separate Working Capital Fund (case-related), which stood at €767,014, to meet unforeseen expenses relating to new cases.

39. Responding to a question, the Registrar noted that the proposed new provision relating to the implementation of IPSAS was non-recurrent and would cover most costs relating to the implementation of IPSAS, but with the possibility of limited additional costs to be covered in future financial periods.

40. Following a brief meeting of the Open-ended Working Group on Financial and Budgetary Matters under the chairmanship of the President, the Meeting adopted, without a vote, a decision (SPLOS/322) in which it approved the amount of

€20,521,200 as the budget of the Tribunal for the financial period 2019–2020, which represented the budget as proposed by the Tribunal in the amount of €20,549,700 (see SPLOS/2018/WP.1, annex I), minus the amount of €28,500 by which the draft budget line "Pension in payment" had further decreased, as indicated by the Registrar in his report to the Meeting (see para. 35 above).

V. Information on the activities of the International Seabed Authority

41. The Secretary-General of the Authority provided information on the activities carried out by the Authority since the twenty-seventh meeting.[4]

42. He encouraged all coastal States to fulfil their obligation to deposit charts or lists of geographical coordinates of points concerning the outer limits of their continental shelf not only with the Secretary-General of the United Nations, but also with the Secretary-General of the Authority pursuant to article 84, paragraph 2, of the Convention, drawing attention to the fact that only eight States parties had done so to date. He also encouraged landlocked developing countries to become party to the Convention, as that would allow them to become *ipso facto* members of the Authority and benefit from the Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982.[9] In that connection, he pointed out that 18 States parties had not yet ratified the Agreement.

43. The Secretary-General of the Authority noted that the number of parties to the Protocol on the Privileges and Immunities of the International Seabed Authority[10] had increased by four, but urged all members of the Authority to join the Protocol, as called for by the General Assembly in its annual resolution on oceans and the law of the sea. He also appealed to States parties that were in arrears to pay their contribution, noting with concern that the amount of arrears had increased to almost $2.7 million. A total of 51 States parties were now in arrears for two or more years, resulting in a suspension of their voting rights pursuant to article 184 of the Convention.

44. In terms of ongoing major developments, the Secretary-General of the Authority noted that the first periodic review of the international regime of the Area, conducted pursuant to 154 of the Convention, had been presented to the Assembly of the Authority at its twenty-third session, in 2017, and a resolution containing over 20 recommendations had been adopted. A draft strategic plan would be tabled for consideration by the Assembly at its twenty-fourth session, in 2018. A revised schedule of meetings in 2018 and 2019 had already been prepared. A trust fund had also been established to defray the cost of participation of members of the Council of the Authority from developing States and the response to the fund had been positive. In contrast, the Voluntary Trust Fund for the participation of members of the Finance Committee and the Legal and Technical Commission from developing countries faced insufficient funds to meet all expected requests for the upcoming session.

45. With respect to the development of the Mining Code, the Secretary-General of the Authority noted progress on the different elements of the Code, which had been circulated for stakeholder consultation in 2017 and was subject to ongoing consideration by the Council and the Commission of the Authority. He noted the assistance of experts at the Massachusetts Institute of Technology in developing a

[9] United Nations, *Treaty Series*, vol. 1836, No. 31364.
[10] Ibid., vol. 2214, No. 39357.

working model for the Authority for the financial terms for future exploitation contracts.

46. The Secretary-General of the Authority indicated that the Council had endorsed a strategy for the development of regional environmental management plans under the auspices of the Authority for priority areas where exploration activities were taking place (ISBA/24/C/3). He noted that a workshop had been held in China to initiate the development of a regional environmental management plan in the North-West Pacific Ocean and that a forthcoming workshop in Poland would discuss the developments of plans for polymetallic sulphides deposits on mid-ocean ridges. Those developments, he suggested, illustrated the importance of not undermining the mandate and work of the Authority, including in the context of the upcoming intergovernmental conference.

47. In the ensuing discussions, many delegations expressed ongoing support and appreciation for the work of the Authority. Several delegations stressed, in particular, the contribution of the Authority to the Sustainable Development Goals, including ending poverty in all its forms, promoting inclusive and sustainable growth and combating climate change, in addition to the conservation and sustainable use of the oceans, sea and marine resources for sustainable development.

48. Many delegations welcomed the continuing work of the Authority in the development of a comprehensive regulatory framework for the exploitation of marine minerals in the Area, including wider engagement with stakeholders and collaboration with experts on the development of a payment mechanism and financial model. It was noted in that context that the Massachusetts Institute of Technology draft model should include the costs on biodiversity and damage to the environment. Several delegations noted in that regard the need to achieve balance between ensuring protection of the marine environment and economic development as well as commercial feasibility. The need to ensure that activities in the Area were carried out for the benefit of mankind as a whole, as provided for in part XI of the Convention, including the importance of specific and operational benefit-sharing mechanisms, was also emphasized. Some delegations stressed the need to take proper account of the views of contractors.

49. The work of the Authority regarding regional environmental management plans was welcomed by many delegations, A delegation pointed out that the Authority could be a leader in this area.

50. Several delegations also highlighted the first review of the Authority under article 154 of the Convention and noted progress in the implementation of the related recommendations, including the revised schedule of meetings, which would facilitate dialogue between the Legal and Technical Commission and the Council and contribute to the finalization of the exploitation regulations. Appreciation was also expressed by many delegations for the draft strategic plan and several delegations underlined the open and inclusive manner of the related consultations.

51. Several delegations highlighted the increased activity undertaken by the Authority to raise awareness of its work and increase capacity-building, including through workshops and seminars. In that regard, a delegation noted challenges in engaging in all intersessional activities and suggested that the outputs should be incorporated in the formal work of the Authority and considered and discussed by the Council. Another delegation announced its financial support for a workshop organized by the Authority to foster cooperation in the development of deep seabed resources and the blue economy in Africa.

52. Several delegations expressed concern over the issue of arrears. Several delegations urged greater attendance at meetings of the Authority and welcomed the

establishment of a new trust fund. Norway pledged to donate $60,000 to the Voluntary Trust Fund for the participation of members of the Finance Committee and the Legal and Technical Commission from developing countries.

53. The Meeting took note of the information reported by the Secretary-General of the Authority.

VI. Matters related to the Commission on the Limits of the Continental Shelf

A. Information reported by the Chair of the Commission

54. The Chair of the Commission, Yong Ahn Park, made a statement[4] providing information on the activities of the Commission since the twenty-seventh meeting (see SPLOS/319),[11] including regarding membership, consideration of submissions and draft recommendations, working arrangements and the workload and conditions of service of its members.

55. The Chair reported that, in response to the concerns expressed by some submitting States during the twenty-seventh meeting (see SPLOS/316, para. 58), the Commission had revisited and improved its internal working methods (see SPLOS/319, para. 10). The Chair also drew the attention of the Meeting to the importance of full membership in the Commission and attendance at its session for the Commission to carry out its work in the most efficient manner. In the ensuing discussion, many delegations expressed appreciation and support for the work of the Commission since its establishment, especially in light of the challenges faced with respect to its high workload and working conditions. Several delegations highlighted the importance of the work of the Commission for the implementation of the Convention in general and for coastal States in particular. Several delegations also noted, with appreciation, the high quality of services rendered by the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs as the secretariat of the Commission. A delegation welcomed the new members of the Commission who had been elected at the twenty-seventh meeting of the Meeting of States Parties and noted with appreciation their contributions.

56. Many delegations noted with appreciation the measures taken by the Commission to improve its working methods following the discussions at the twenty-seventh meeting, in particular, for the subcommissions to provide more regular and comprehensive reports on their progress. They welcomed that approach as it would contribute to the coherence and transparent work of the Commission and its subcommissions and reduce or eliminate instances where recommendations approved by the Commission departed substantially from draft recommendations prepared by its subcommissions.

57. With regard to the increasing workload of the Commission, several delegations noted with appreciation that the Commission would continue to implement the measures proposed at the twenty-sixth meeting for the five-year term of its current mandate (see SPLOS/303, para. 84), including its decision to meet for 21 weeks per year. A number of delegations supported the Commission in its decision to proceed as quickly as possible through the backlog of submissions in a timely manner, without compromising the high standards of consideration of all relevant data and information submitted by coastal States. A delegation welcomed the Commission's decision to

[11] Detailed information on the work of the Commission during its forty-fourth, forty-fifth and forty-sixth sessions is contained in documents CLCS/100, CLCS/101 and CLCS/103 and CLCS/103/Corr.1, respectively.

take up new submissions when the examination of those under consideration needed to be suspended while the submitting States gathered additional data and information, to ensure that the Commission made maximum use of its sessions.

58. Recalling the resources spent by submitting States in the preparation of submissions, a number of delegations stressed the need for timely consideration of those submissions in view of the challenges, especially for developing States, in the maintenance of institutional memory and relevant software. They urged the Commission, its subcommissions and the secretariat to continue to explore options to enable the Commission to operate efficiently and effectively in view of its growing workload.

59. A delegation suggested that the Commission also explore other measures to improve efficiency and reduce delays in the consideration of submissions, such as establishing common practices for dealing with recurring issues and increasing predictability for coastal States in terms of requests for data and information. Another delegation emphasized the need for submitting States to cooperate with the Commission to facilitate consideration of submissions, such as by avoiding the unnecessary classification of data and information as confidential.

60. Some delegations expressed their views concerning submissions currently before the Commission. A delegation elaborated on its view regarding the interpretation and the challenges in applying of the Statement of Understanding Concerning a Specific Method to be Used in Establishing the Outer Edge of the Continental Margin annexed to the Final Act of the Third United Nations Conference on the Law of the Sea.

61. Another delegation noted with appreciation the emphasis placed by the Commission on deferring the consideration of submissions involving disputes in accordance with its rules of procedure. A third delegation noted that the issue of maintaining data confidentiality was important for the work of the Commission and expressed concern over reports of the breach of rules of procedure concerning confidentiality.

62. During the discussion of matters relating to the conditions of service of the members of the Commission, many delegations expressed support for improving the working conditions of the Commission. They noted the concerns expressed by the Commission, including regarding the need for medical insurance for all its members. Those delegations recognized that further efforts were needed to ensure that the Commission could perform its mandate effectively, given its high level of expertise.

63. In that context, several delegations noted that the Commission, owing to its exceptional character, had special requirements for working space, as recognized by the General Assembly (see resolution 72/73, para. 101). Many delegations also took note of the concerns expressed by the Commission regarding the need for additional resources to update software, address security issues and update information and communications technology facilities to allow for secured means of communication. It was suggested that further information was needed regarding those matters. A delegation urged the Secretary-General to take appropriate measures within existing resources to further strengthen the capacity of the secretariat of the Commission in order to enhance its support and assistance.

64. Many delegations underscored that it was critical for the Commission to have full membership and attendance at its meetings to carry out its work in the most efficient manner. A number of delegations noted the concerns expressed by the Commission that the vacant seat had a detrimental effect on its workload and ability to reach a quorum. Some delegations suggested that alternative means be explored to

fill the vacancy if the Group of Eastern European States was unable to nominate possible candidates.

65. In response to the statements by delegations, the Chair conveyed the sincere appreciation of the Commission for the words of encouragement and support from States parties.

66. The secretariat provided information on the status of the two trust funds that it administered in relation to the Commission. With regard to the voluntary trust fund for the purpose of defraying the cost of participation of the members of the Commission on the Limits of the Continental Shelf from developing States in the meetings of the Commission, the Meeting was informed that contributions had been received from Canada, China, Costa Rica, Iceland, Ireland, Japan, New Zealand, Portugal and the Republic of Korea since the previous meeting and that the balance, as at the end of May 2018, was approximately $334,663. The two remaining sessions of 2018 were projected to cost approximately $285,000, on the assumption that the same number of members would request assistance as in the previous session. That would imply that, at the end of 2018, the balance would be approximately $50,000. Without additional contributions, it would not be possible for the secretariat to provide financial assistance for members of the Commission from developing States to participate in sessions of the Commission in 2019, including reimbursement of medical travel insurance (see General Assembly resolution 72/73, para. 99). The secretariat recalled the appeal of the General Assembly for further financial contributions to be made to the trust funds to enable the Commission to fulfil its mandate with full membership, a call that was echoed by some delegations.

67. With regard to the voluntary trust fund for the purpose of facilitating the preparation of submissions to the Commission on the Limits of the Continental Shelf for developing States, in particular the least developed countries and small island developing States, in compliance with article 76 of the United Nations Convention on the Law of the Sea, the Meeting was informed that, since the previous meeting, six developing States had received assistance to cover the travel and daily subsistence allowance costs associated with meeting with the Commission. The balance of the trust fund, as at the end of May 2018, was approximately $1,077,220.

68. A number of delegations pledged to make or stated that they had made contributions to the trust fund to support the members of the Commission from developing States to attend the meetings of the Commission.

69. Several delegations expressed their appreciation to States parties for making or pledging contributions to the trust funds to support developing States with resource constraints. Several delegations also underlined the need for contributions to support the full participation of all members of the Commission to attend meetings.

70. The secretariat provided information on the compilation of an updated directory of sources of training, advice and expertise and technological services that might contribute to the preparation of submissions to the Commission. In a note verbale dated 8 May 2018, the Office of Legal Affairs had renewed the request for States to inform the Division for Ocean Affairs and the Law of the Sea of any suitable sources of expertise as soon as possible. The Division expressed its appreciation to those States that had responded with information and invited other States that were in a position to do so to contact the Division at their earliest convenience.

71. The Meeting took note of the information reported by the Chair of the Commission and provided by the secretariat.

B. Conditions of service of the members of the Commission

Report of the Open-Ended Working Group

72. The Co-Coordinators of the Open-Ended Working Group on the Conditions of Service of the Members of the Commission, Anastasia Strati (Greece) and James Waweru (Kenya), reported that they had convened an informal meeting during the intersessional period with representatives of coastal States that had nominated members to the Commission in order to continue consideration of the issue of medical insurance of the members of the Commission. At that meeting, delegations had reviewed the results of the internal survey of the members of the Commission (See SPLOS/319, paras. 15–27) and the updated information provided by the Health and Life Insurance Section of the Department of Management. A second meeting with the nominating coastal States had been held on the margins of the first day of the twenty-eighth meeting.

73. During the twenty-eighth meeting, the Working Group continued to consider issues relating to the conditions of service of the members of the Commission, in particular medical insurance coverage, and received additional information from the secretariat and a representative of the insurance industry on short-term medical insurance options. During those consultations, Mr. Waweru informed the Working Group that he would not be in a position to continue to serve as a co-coordinator and that informal consultations were being conducted to identify his successor.

74. Following the consultations of the Working Group and, on the basis of a proposal by the Co-Coordinators, the Meeting took note of the report by the Co-coordinators and decided that the Working Group would continue to work intersessionally and consider issues relating to the conditions of service of the members of the Commission, in particular medical insurance coverage, with the intention of assisting progress on these matters during the seventy-third session of the General Assembly, including by providing specific proposals to Meeting of States Parties at its twenty-ninth meeting. The secretariat was further requested to provide updated information on health insurance arrangements for members of other bodies in the Organization.

75. The Meeting also decided to renew its request to the General Assembly that the Secretary-General be authorized, as an interim measure and subject to the availability of funds in the trust fund, following the allocation of the required funds to cover the costs of travel and daily subsistence allowance of the members of the Commission from developing States for the sessions of the Commission, to reimburse members from developing countries for the cost of medical travel insurance and short-term medical insurance on a session-by-session basis and subject to a reasonable limit that the Secretary-General shall determine on the basis of the information regarding medical travel insurance available to him.

76. A delegation expressed its appreciation to the Co-Coordinators of the Working Group and the representative of the insurance industry who attended the informal consultations for the information provided.

C. Filling of a vacancy in the Commission

77. The President recalled that the Meeting of States Parties had not been in a position at its twenty-seventh meeting to elect all 21 members of the Commission, as the Group of Eastern European States, which was entitled to three seats under the Convention, as also set out in the arrangement for the allocation of seats on the International Tribunal for the Law of the Sea and the Commission on the Limits of

the Continental Shelf approved by the Meeting of States Parties at its nineteenth meeting (see SPLOS/201), had only put forward two nominations.

78. Having received no nominations to fill the vacancy, the Meeting reverted to consideration of the matter at its twenty-eighth meeting.

79. The delegation of Croatia, in its capacity as Chair of the Group of Eastern European States, indicated that consultations within that group were continuing. A delegation noted the necessity of resolving this long-standing issue and suggested the need for pragmatic solutions, without prejudice to the stipulation in annex II, article 2(3) of the Convention that "not less than three members shall be elected from each geographical region".

80. The President underscored the need to ensure that the Commission operated with full membership and encouraged the Group of Eastern European States to continue its consultations.

81. The Meeting subsequently decided that, if the Group of Eastern European States informed the President by 24 September 2018 that candidate(s) had been identified, a new call for nominations would be circulated by the Secretary-General. A resumed session of the twenty-eighth meeting would then be convened to conduct a by-election before the forty-eighth session of the Commission, subject to the approval of the General Assembly. If no candidates were identified by the Group of Eastern European States by that deadline, the Secretary-General would circulate a call for nominations with a view to conducting elections at the twenty-ninth meeting of the Meeting of States Parties. A by-election would then be conducted at the twenty-ninth meeting only if the President received information about potential candidates no less than 14 weeks prior to the commencement of that meeting. In the absence of such information, the Meeting would revert to the consideration of that matter under the agenda item "Commission on the Limits of the Continental Shelf".

VII. Report of the Secretary-General under article 319 of the United Nations Convention on the Law of the Sea

82. The Meeting considered the annual reports of the Secretary-General on oceans and the law of the sea (A/72/70/Add.1 and A/73/68), which had been submitted to States parties pursuant to article 319 of the Convention. Delegations expressed their appreciation to the Secretary-General and to the Division for Ocean Affairs and the Law of the Sea for the useful and comprehensive reports.

83. Several delegations reaffirmed that the Convention sets out the legal framework within which all activities in the oceans and seas must be carried out. The importance of international cooperation and more effective coordination in its implementation was also noted. Some delegations underlined the delicate balance between rights and obligations achieved in the Convention and the increased number of parties to the Convention and its implementing Agreements. A delegation highlighted the key role played by the Convention in maintaining international peace and security and reinforcing friendly relations among States.

84. A number of delegations stressed the importance of the oceans in achieving sustainable development, including in contributing to poverty alleviation and eradication, food security, employment, health, gender equality and empowerment of women. A number of delegations recognized the importance of implementing the declaration entitled "Our ocean, our future: call for action" adopted by the United Nations Conference to Support the Implementation of Sustainable Development Goal 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development, held from 5 to 9 June 2017. A delegation noted the 2020

deadline for four targets under Sustainable Development Goal 14 and emphasized the need for urgent action to achieve those targets.

85. The importance of the conservation and sustainable use of marine biological diversity was emphasized and many delegations expressed support for the upcoming intergovernmental conference (see para. 7 above). A delegation emphasized the view that biological diversity and resources in areas beyond national jurisdiction should be considered as the common heritage of mankind and clearly acknowledged in the future instrument.

86. Several delegations highlighted the importance of fisheries for food security and expressed concern that overfishing and illegal, unreported and unregulated fishing, combined with other factors, were threatening those resources. A delegation called upon States to implement General Assembly resolution 72/72 on sustainable fisheries. Another delegation called for a prohibition on certain forms of fisheries subsidies that contributed to overcapacity, overfishing and illegal, unreported and unregulated fishing.

87. A delegation pointed out that anthropogenic underwater noise had grown due to increased human activities and had repercussions on communication, feeding and reproduction of marine species. Many delegations drew attention to the work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea and welcomed the topic of focus of its nineteenth meeting, anthropogenic underwater noise. Some delegations called for additional research on the topic of focus and the creation of a forum or forums for scientists, policymakers and relevant experts and stakeholders to exchange and share their knowledge and experiences.

88. The need to enhance scientific knowledge of the marine environment was highlighted by many delegations. In that context, attention was drawn to the importance of the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects, and recent developments thereunder, including the successful adoption of the outline of the second world ocean assessment and the timetable and implementation plan for its completion. The work of the Group of Experts and regional workshops in support of the Process were highlighted. A delegation also welcomed the proclamation of the United Nations Decade of Ocean Science for Sustainable Development (2021–2030) (see General Assembly resolution 72/73, para. 292). Some delegations acknowledged the role of other international organizations and bodies, such as the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization and bodies established by the Convention on Biological Diversity, in promoting marine scientific research and ensuring that the conduct of marine scientific research was undertaken without prejudice to the protection and preservation of the marine environment.

89. A number of delegations expressed concern about the state of the oceans and called for increased commitment to the protection and preservation of the marine environment and to addressing plastic pollution in the ocean. The role of the Convention in that regard was highlighted. Several delegations expressed the view that greater use should be made of area-based management tools and environmental impact assessments.

90. Many delegations highlighted the importance of addressing the effects of climate change on the oceans and noted the particular vulnerability of developing States. Attention was drawn by a delegation to the inextricable interlinkage between capacity-building and climate finance in the global response to climate change. Another delegation noted ongoing capacity-building activities to assist small island developing States in addressing climate change, including activities related to climate change adaption and mitigation and avoidance of climate displacement. That

delegation stressed the need for the progressive development of international law to protect the rights of coastal States in respect of maritime zones in the face of sea-level rise.

91. Several delegations expressed their deep concern about the unsafe migration of people by sea and highlighted their commitment to addressing that issue in different forums, including in the ongoing negotiations on the Global Compact for Safe, Orderly and Regular Migration.

92. Several delegations stressed the importance of ensuring maritime safety and security, including by addressing piracy and other criminal activities at sea. Some delegations noted the rise in security risks that resulted from maritime criminal activities, which affected all States and required collective international action, including capacity-building and other assistance. Several delegations noted the resurgence of incidents of piracy and called upon States to address its root causes, including illegal, unreported and unregulated fishing in certain maritime zones of Africa. Attention was further drawn to the Charter on Maritime Security and Safety and Development in Africa, adopted by members of the African Union in Lomé in 2016 with a view to establishing a road map for maritime security on the continent.

93. Some delegations highlighted specific challenges in their maritime zones, such as the impact of marine pollution, including marine debris, plastics and microplastics, and stressed the need for action, including through national and regional initiatives, to reduce marine debris, plastics and microplastics and designate new marine protected areas.

94. Some delegations also described strategies relating to the promotion of marine scientific research; strengthening the management of coastal and marine activities through integrated coastal zone management and marine spatial planning; strengthening the management of fishery resources and combating illegal, unreported and unregulated fishing; becoming parties to relevant global and regional instruments; and the revision or adoption of new policies and legislation consistent with the Convention. Several delegations drew attention to the proclamation of the Decade of African Seas and Oceans (2015–2025) and the designation of 25 July as the African Day of the Seas and Oceans by the Assembly of the African Union.

95. Several highlighted the importance of strengthening the capacity of States to implement the provisions of the Convention and related instruments so that they could benefit from the oceans and its resources. In that context, several delegations underscored the importance of financing, partnerships, development of science and research and transfer of technology for developing countries, in particular the least developed countries, landlocked developing countries, small island developing States and coastal African States. Some delegations noted their ongoing assistance and capacity-building activities for developing States. Several delegations drew attention to initiatives undertaken by intergovernmental organizations, such as the International Maritime Organization (IMO) and the International Hydrographic Organization. Several delegations reiterated their call upon the International Seabed Authority to continue its efforts to build the capacity of developing States in deep-sea research and technology through contractor training programmes and the endowment fund for marine scientific research in the Area.

96. Some delegations expressed their views with regard to specific maritime regions. A delegation stated that its country had been unlawfully excluded from exercising its maritime rights by the temporary occupation and activities of another State which grossly violated the Convention. That delegation, referring to arbitration proceedings it had initiated under annex VII to the Convention, stressed that it was set to take further reasonable steps to resolve the dispute by peaceful and legal means in order to restore the lawful legal regime contained in the Convention. Another

delegation responded, asserting that it operated in strict compliance with the rules of international law, including the Convention, to ensure the safety of navigation in relevant maritime areas and regulated other activities in that area, in particular, the exploration and exploitation of resources.

97. With regard to the South China Sea region, a delegation highlighted the need for States to resolve maritime disputes by peaceful means in accordance with international law and refrain from any action which might complicate matters or escalate tensions. It called upon all States parties to fully comply with the Convention, to respect diplomatic and legal processes, to promote peaceful and sustainable use of seas and oceans and to refrain from conducting unilateral acts. Another delegation expressed the view that the Meeting was not a proper forum to consider that matter. It highlighted the continuing improvement of the situation in the South China Sea and noted that the issue was being resolved through negotiations and consultations between the countries directly concerned. Both delegations highlighted the joint efforts made by relevant parties in the region to achieve long-term peace, stability and development, including the start of negotiations on a code of conduct in the South China Sea.

98. A delegation drew attention to the fragmented mechanisms for review of the implementation of the Convention. It noted that, although the Meeting did not have the function of conducting general reviews of the implementation of the Convention, it had acted as the institution dealing with overall issues under the Convention and was the right institution for such a review. An observer delegation noted that article 319 of the Convention was not intended to, and did not, empower the Meeting to perform general or broad reviews of general topics of interest or to engage in interpretation of the provisions of the Convention.

99. Speaking as an observer, the delegation of IMO reported on important developments since the previous meeting of the Meeting of States Parties, including the adoption by IMO of an initial strategy on the reduction of greenhouse gas emissions from ships, described as the biggest achievement by IMO in the protection of the marine environment during the reporting period. It also noted the adoption of a vision statement for the first time at the thirtieth session of the IMO Assembly, which stated, inter alia, that "IMO will focus on review, development and implementation of and compliance with IMO instruments in its pursuit to proactively identify, analyse and address emerging issues and support Member States in their implementation of the 2030 Agenda for Sustainable Development". The delegation also drew attention to new developments concerning fraudulent registration of ships and the regulation of autonomous vessels.

100. Also speaking as an observer, the delegation of the Food and Agriculture Organization of the United Nations (FAO) highlighted the need to give priority to the conservation and sustainable use of marine living resources of the world's oceans, including fish stocks and associated biodiversity. It noted that, amid rising fish consumption, the world's marine fish stocks had not improved, despite notable progress in some areas, and indicated that 30 per cent of fish stocks were estimated to be fished at biologically unsustainable levels. It noted that illegal, unreported and unregulated fishing represented up to 26 million tons of fish caught annually, valued at $10 billion to $23 billion, and posed one of the biggest threats to the sustainability of the marine ecosystems. It stressed that the Convention was the cornerstone of the international legal framework for ocean governance and fisheries management and was the point of departure for most, if not all, binding and voluntary international fisheries instruments, including the Voluntary Guidelines on Catch Documentation Schemes and the FAO Agreement on Port State Measures.

101. The Meeting took note of the reports of the Secretary-General under article 319 and the views expressed by delegations under that agenda item and decided that the same agenda item would be included in the provisional agenda of its twenty-ninth meeting.

VIII. Other matters

Trust funds

102. The secretariat provided information on the current status and projected funding requirements of the trust funds administered by the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, other than those related to the work of the Commission, which were considered under agenda item 10 (see paras. 66 and 67 above).

103. With regard to the voluntary trust fund to assist States in the settlement of disputes through the International Tribunal for the Law of the Sea, the secretariat informed the Meeting that a contribution had been received from the Philippines and an application received from Panama since the previous meeting. As at the end of May 2018, the fund had an approximate balance of $156,000.

104. Regarding the voluntary trust fund for the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects, contributions had been received from Ireland, New Zealand and the Republic of Korea since the previous meeting. As at the end of May 2018, the trust fund had an approximate balance of $155,000.

105. With respect to the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea, contributions to the trust fund had been received from Ireland, Monaco and Sri Lanka since the previous meeting. As at the end of May 2018, the fund balance available for disbursement, taking into account the cost of the 2018 fellowship and programme support costs, was not sufficient to award a standard fellowship for 2019, unless additional contributions are received by November 2018.

106. Regarding the voluntary trust fund for the purpose of assisting developing countries, in particular least developed countries, small island developing States and landlocked developing States, to attend meetings of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, a contribution had been received from New Zealand since the previous meeting. The secretariat observed that the trust fund was expected to be nearly depleted after the nineteenth meeting of the Informal Consultative Process, during which funding could only be provided to panellists.

107. Regarding the voluntary trust fund for the purpose of assisting developing countries, in particular the least developed countries, landlocked developing countries and small island developing States, to attend the meetings of the preparatory committee and the intergovernmental conference on the development of an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, contributions had been received from Estonia, Ireland and New Zealand. As at the end of May 2018, the trust fund had an approximate balance of $82,000. The secretariat observed that, given the strong demand for assistance from the trust fund, it would likely not be in a position to provide assistance to all applicants for the upcoming session of the intergovernmental conference, to be held in September 2018.

108. The secretariat expressed its gratitude to all States that had made contributions to the trust funds and reiterated that the chronic underfunding of many of them was a serious problem. In that connection, the secretariat drew attention to General Assembly resolution 72/73, in which the Assembly encouraged Member States, international financial institutions, donor agencies, intergovernmental organizations, non-governmental organizations and natural and juridical persons to contribute to the various trust funds.

109. The secretariat provided information on the contributions procedure, noting that clear instructions from donor States as to the trust fund to which any contribution was being made would allow for more timely availability of funds. The Office of Legal Affairs would be sending a communication to all States in that regard and to encourage contributions to all trust funds administered by the Division.

110. The Meeting took note of the information on trust funds that had been provided by the secretariat.

Acknowledgments

111. The President of the twenty-eighth meeting of the Meeting of States Parties expressed his appreciation to the interpreters, translators and conference officers for their assistance and services provided during the Meeting, as well as to the staff of the Division for Ocean Affairs and the Law of the Sea.